

Appl. No. : 10/030,778
Filed : January 7, 2002

REMARKS

Claims 1 and 14-16 have been amended to clarify the invention. Support for the amendments to Claims 1 and 14-16 can be found in Figs. 1 and 6 (attachment piece 28, attachment plate 2), for example. Claims 4 and 5 have been amended to correct minor informalities. Claims 9-13 have been canceled without prejudice. Accordingly, Claims 1-8 and 14-16 are pending in this application. Claims 2, 7 and 8 have been withdrawn from consideration as directed to a non-elected invention. However, if a generic claim is held to be allowable, rejoinder of Claims 2, 7 and 8 is respectfully requested. The amendments do not constitute the addition of any new matter to the specification. Applicant respectfully requests entry of the amendments and reconsideration of the application in view of the amendments and the following remarks.

Documents cited in PCT/JP01/06473

The Examiner asserts that applicant should submit copies of any documents cited in PCT/JP01/06473 which corresponds to applicant's S.N. 10/129,706 in order to maintain this clear line of patentable distinction between the instant claims and the claims of applicant's S.N. 10/129,706. Applicant has respectfully submitted herewith copies of any documents cited in PCT/JP01/06473 and English abstract thereof in the form of an IDS. The claims of this application as amended herein are clearly distinguished from those of S.N. 10/129,706. Further, the references are not relevant to the claims amended herein.

Rejection of Claims 4-6 and 10-13 Under 35 U.S.C. § 112

Claims 4-6 and 10-13 have been rejected under 35 U.S.C. 112, second paragraph, with regard to the indefinite terms set forth in the Office action. Claims 10-13 have been canceled. Claims 4-6 have been amended to correct the informalities, thereby obviating the rejection. It is respectfully requested that the rejection be withdrawn.

Rejection of Claims 1, 15 and 16 Under 35 U.S.C. § 102

Claims 1, 15 and 16 have been rejected under 35 U.S.C. 102(e) as being anticipated by Nishino (US 6,244,607). The claims as amended herein could not be anticipated by Nishino as explained below.

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Claims 1, 15 and 16 have been amended to recite that the attachment piece comprises (a) bolt-fastening surface regions having a curvature of a partial sphere corresponding to a curved lower surface of the attachment plate, and (b) an upward convex portion inward of the bolt-fastening surface regions, said upward convex portion protruding from the partial sphere toward the attachment plate. See e.g., Figs. 1 and 6 where a broken line passing through the bolt-fastening surface regions 30 indicates a curvature. The above configurations can allow the attachment portion of the strut mount to have high rigidity without thickening the attachment plate of the vehicle body, bringing about good running properties (page 3, lines 2-6, for example).

Nishino teaches or suggests neither of configuration (a) nor (b) above. Nishino could not anticipate the present invention. Applicant respectfully requests withdrawal of this rejection.

Rejection of Claims 3-6 and 10-14 Under 35 U.S.C. § 103

Claims 3-6 and 10-14 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Nishino (US 6,244,607) in view of Capuano (US 4,432,681) or Pamer et al. (US 6,220,804).

Claims 3-6 are dependent ultimately on Claim 1 as amended herein. Claims 10-13 have been canceled. Claim 14 has been amended for clarification. Claims 3-6 and 14 could not be obvious over the references as explained below.

As explained above, Nishino teaches neither of configurations (a) nor (b) above recited in Claim 1 as amended herein. Neither does Nishino, Capuano or Pamer does not teach or even suggest configuration (a) or (b). Unexpected advantages obtained by the present invention are described above. Thus, Claim 1 and its dependent claims could not be obvious over the references.

Claim 14 has been amended in the same manner as Claims 1, 15 and 16. At least for the above reason, Claim 14 also could not be obvious over the references.

Thus, it is respectfully requested that the rejection under 35 U.S.C. § 103 be withdrawn.

CONCLUSION

In light of the Applicant's foregoing Remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which

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might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: April 6, 2004

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